

**REMARKS AND RESPONSE TO RESTRICTION REQUIREMENT**

The Examiner has required restriction of the invention under 35 U.S.C. § 121 to one of the following groups:

**Group I:** Claims 1-4, 6-12, 14-20 and 22-24, drawn to a method of therapeutically or prophylactically downmodulating an autoimmune response in a subject by administering an antigen binding portion of an anti-CD28 antibody, classified in Class 424, subclass 130.1.

**Group II:** Claims 5-8, 13-16 and 21-24, drawn to a method of therapeutically or prophylactically downmodulating an autoimmune response in a subject by administering a small molecule that specifically blocks signaling via CD28, classified in Class 514, subclass 1.

If Applicants elect a Group containing claims 1, 5, 9, 13, 17 or 21, the Examiner further requires a species election for the autoimmune disorder among the species disclosed on page 41 of the instant application, as listed below:

- (A) systemic lupus erythematosus,
- (B) diabetes mellitus,
- (C) rheumatoid arthritis,
- (D) multiple sclerosis,
- (E) myasthenia gravis,
- (F) systemic lupus erythematosus,
- (G) autoimmune thyroiditis,
- (H) vitiligo,
- (I) alopecia,
- (J) celiac disease,
- (K) inflammatory bowel disease,
- (L) chronic active hepatitis,
- (M) Addison's disease,
- (N) Hashimoto's disease,
- (O) Graves disease,
- (P) atrophic gastritis/pernicious anemia,
- (Q) acquired hypogonadism/infertility,
- (R) hypoparathyroidism,
- (S) Myasthenia gravis,
- (T) Coombs positive hemolytic anemia,
- (U) chronic allergic diseases, or
- (V) Sjogren's syndrome.

If Applicants elect a Group containing claims 5, 13 or 21 and specific types of molecules are introduced into the claims during prosecution, the Examiner will further require a species election for the small molecules among the species disclosed on page 33-34 of the instant application.

Applicants hereby elect the Group I invention (claims 1-4, 6-12, 14-20 and 22-24, drawn to a method of therapeutically or prophylactically downmodulating an autoimmune response in a subject by administering an antigen binding portion of an anti-CD28 antibody) under 35 U.S.C. § 121 for prosecution in the present application, without traverse.

Applicants further elect the species of type I diabetes mellitus for prosecution on the merits. It is Applicants' understanding that the search will be extended to the remaining species upon a finding of allowability.

Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. GNN-028, from which the undersigned is authorized to draw.

Dated: November 2, 2004

Respectfully submitted,

By 

Megan E. Williams

Registration No.: 43,270

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney/Agent For Applicant